

REMARKS

Claims 1-23 are pending in this application and each has been rejected. Claim 6 is amended. Reconsideration of this application and allowance of each of pending claims 1-23 are respectfully requested.

Objection to the Drawings

The Action objects to the drawings, alleging that FIGS. 1-3, 5A-5B and 8A-8B are informal in their present form and at least some lines in FIGS. 1, 5A-5B and 8A-8B are not clear.

In amended FIG. 1, the surface line of the deposited material 104 is enhanced to show the surface of the deposited material 104. In amended FIGS. 5A-5B and 8A-8B, scale lines are enhanced to make the graphs clear.

Based on the amendments, withdrawal of the objections to FIGS. 1, 5A-5B and 8A-8B is respectfully requested.

Objections to the Specification

The Action objects to the specification due to a grammatical error in paragraph [0005].

The paragraph [0005] of the specification has been amended to delete the word “be” from the phrase “may be cause.” Withdrawal of the objection of the specification is respectfully requested.

Claim rejection under 35 U.S.C. §112, second paragraph

The Action rejects Claims 6 and 7, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 6 has been amended to replace the phrase “the one or more grating areas” with “the one or more artificial grating areas.” Claim 7 depends from Claim 6. Withdrawal of the rejections of Claims 6 and 7 is respectfully requested.

Obviousness-Type Double Patenting

The Action rejects Claims 1-23 under the judicially created doctrine of obviousness type double patenting over of U.S. Patent No. 6,982,134 to Lin ("Lin") in view of either U.S. Patent No. 5,282,140 to Tazawa et al. ("Tazawa"), U.S. Patent Publication No. 2002/0058188 to Iwasaki et al. ("Iwasaki") or U.S. Patent Publication No. 2003/0207184 to Smith ("Smith"), and further in view of U.S. Patent Publication No. 2004/0234869 to Tejnli ("Tejnli") and the article titled "The Optical Properties of Artificial Media Structured at a Subwavelength Scale [Document CH in the 3/26/04 IDS, Pages 1-11]. Lin is commonly owned by the Assignee in the present application, Taiwan Semiconductor Manufacturing Co.

Enclosed herewith is a terminal disclaimer which references the prior patent.

Applicants submit that all of the double patenting rejections are overcome by the enclosed disclaimer and that Claims 1-23 are each allowable.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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Attachment: (1) Replacement Drawing Sheets
(2) Terminal Disclaimer

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